

REMARKS

The issues outstanding the Office Action mailed January 9, 2007, are the rejections under 35 U.S.C. §112, §101, §102 and §103. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 5 and 6 have been rejected under 35 U.S.C. §112, first paragraph. Cancellation of these claims renders this rejection moot, and withdrawal thereof is respectfully requested.

Claim 16 has been rejected under 35 U.S.C. §112, second paragraph. Reformatting of the claim for U.S. practice obviates this rejection, and withdrawal thereof is respectfully requested.

It is noted that Claim 16 is also rejected under 35 U.S.C. §101, and it is submitted that reformatting of the claim also renders this rejection moot. Withdrawal thereof is also respectfully requested.

Rejections under 35 U.S.C. §102

Claims 15 and 9-16 have been rejected under 35 U.S.C. §102(b) over Hilder et al., '102. Reconsideration of this rejection is respectfully requested. Hilder, commonly assigned with the present application, discloses high aspect ratio pigments such as pearl luster pigments, which are embedded in a material improving their flow characteristics. The patent discloses such materials such as waxes or thermal plastics, compatible with the master batch in which the pigment is incorporated. In particular, the patent discloses polyolefin waxes such as polyethylene or polypropylene waxes, montan ester waxes, and mid waxes. See column 2, lines 21-29. Thus, one of ordinary skill in the art understands that the patent discloses polar waxes, and *non-polar* copolymers, e.g., polyethylene and polypropylene. Thus, the patent does not suggest a pigment composition comprising a flake-form effect pigment and an at least partially polar carrier material which is at least a partially *polar* comonomer. Inasmuch as the patent does not teach or suggest polar comonomers, it is submitted that it does not anticipate, nor render obvious, the present claims. Withdrawal of this rejection is therefore respectfully requested.

Claims 1-4, 7-10, 13 and 15-16 have also been rejected under 35 U.S.C. §102(b) over JP 2002/309150. Reconsideration of this rejection is also respectfully requested. To the extent that the machine translation provided by the PTO can be understood, the JP appears to disclose mica and/or titanium oxide pigments, contained in a liquid coating composition, comprising 5 – 50% by weight pigments. See paragraph 11. See also the examples which appear to disclose 30% of pigment, at the most. The patent discloses coating compositions comprising an organic solvent as the base material and additive. The additive may be a dispersion of ethylene acrylic acid copolymer and/or ethylene vinyl acetate copolymer in organic solvent. The copolymers in the liquid composition comprise 0.5 to 1% by weight calculated by the examples. Thus, the liquid coating compositions contain 5 and 10%, respectively, of a xylene dispersion containing 10% by weight of the copolymers.

Accordingly, this disclosure does not anticipate a composition comprising 60 – 85% by weight of pigment, i.e., a normally solid composition. See also Claim 17. Accordingly, it is respectfully submitted that the JP neither anticipates, nor renders obvious the present Claims. Withdrawal of this rejection is also respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-5 and 9-16 have been rejected under 35 U.S.C. §103 over Hilder. As noted above, the patent fails to suggest polar comonomers. Withdrawal of this rejection is therefore also respectfully requested.

Claims 1-17 and 9-16 have also been rejected under 35 U.S.C. §103 over WO 03/035745 (Richter et al., for which U.S. Application 2004/0254280 is offered as a translation), taken with Hilder. Richter is directed to waxes, which are not encompassed in the present invention. Moreover, Richter fails to disclose pearlescent pigments, instead disclosing "sensitive pigments" or inorganic pigments. See paragraph 0010. The application discloses, as component B, various amides which are termed "polymer additives"; however, these materials are not polymeric compounds themselves, but low molecular weight compounds used as additives *for* polymers. Accordingly, the disclosure fails to suggest the

polar comonomers of the present claims. Withdrawal of this rejection is also respectfully requested.

The claims in the application are submitted to be in condition for allowance. However, if the examiner has any questions or comments, he or she is cordially invited to telephone the undersigned at the number below.

A 2-Month Extension of Time is being filed herewith and the fees paid via EFS. No other fee is believed due, however, the Commissioner is hereby authorized to charge any additional fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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